

## REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed July 3, 2007.

Currently, claims 1-47 are pending. Applicants have amended claim 1, 29, and 36. Applicants respectfully request reconsideration of claims 1-47.

### I. Rejection of Claims 1-11 and 29-40 Under 35 U.S.C. §112, Second Paragraph

Claims 1-11 and 29-40 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner argues that it is unclear how “said new code provides said result to an additional method,” as recited in each of claims 1-11 and 29-40. Applicants respectfully disagree with the rejections, as the claims particularly point out the invention as described in the Specification.

The “new code provides said result to an additional method” in a manner similar to that recited in independent claims 12 and 41 (i.e. “second method”). Additionally, the Specification clearly describes how this step is performed. The Specification explains that after modifying the existing object code containing a first method by adding new code, “the result from the first method can be accessed and used by other threads, processes, systems, entities etc. that were not originally programmed to access the result” (see Specification p. 4, lines 18-20), one implementation of which can be found on pages 19-22 of the Specification. For example, the existing object code that would normally return a value prior to the modification (i.e. via the first method) can be modified by adding new code that accesses that return value and reports it to an additional method, wherein that additional method can be used for purposes such as tracing, monitoring, etc. of a system (see Fig. 6 and Specification pp. 19-22 for description, example code, and other purposes/implementations). The rejected claims clearly and distinctly point out that the new code should “provide said result to an additional method,” and the Specification clearly describes how this is performed. Applicants respectfully request reconsideration of claim 1-11 and 29-40.

II. Rejection of Claims 1-7, 9-19, 21-26, 29-32, 34-38, 41-43, and 45-47 Under 35 U.S.C. §102(b)

Claims 1-7, 9-19, 21-26, 29-32, 34-38, 41-43, and 45-47 have been rejected under 35 U.S.C. §102(b) as being anticipated by Nilsson (US 6,289,446). Because Nilsson does not disclose all of the limitations of claims 1-7, 9-19, 21-26, 29-32, 34-38, 41-43, and 45-47, Applicants assert that the claims are patentable over the cited prior art.

Claim 1 is not anticipated by Nilsson because Nilsson does not disclose “accessing existing object code, said existing object code includes a first method, said first method produces a result when said first method is executed.” Instead, Nilsson discloses “a compiler [that] inserts [a] special JSRC instruction at appropriate places in the code” (col. 10, lines 38-39). After compiling, object modules containing the JSRC instruction with subsequent in-code context data are sent to a “linker 180 [that] ‘links’ or combines the object modules 163 with libraries 171 to generate executable program(s) 165” (see, Fig. 2 and col. 10, lines 50-52).

The Examiner argues that the “accessing existing object code” of claim 1 can be equated to accessing the object module 163 containing the JSRC instruction with the in-code context data that follows. The Examiner further argues that the linking of the libraries with the object modules to create executable programs for use by other programs can be equated to the step of “adding new code to said first method, said new code provides said result to an additional method.” The Examiner argues the “result” in Nilsson is the executable program created through linking. However, the “existing object code” does **not** include “a first method... [that] produces a result when said first method is executed.” Nilsson does not disclose any “result” that is produced when a “first method” is executed.

Even using the Examiner’s argument for such a “result,” this would mean the object modules (i.e. “existing object code [which] includes a first method”) in Nilsson would produce the executable programs (i.e. “result”) when the object modules are executed, which is not in fact the case. First, the object module itself cannot be executed without the addition of libraries 171, and therefore cannot produce a “result” from execution. Secondly, this equation makes no sense because, assuming the object modules could be executed, the execution of the object modules would have to produce executable programs (“result”), which is not the case and is in fact

nonsensical. Since Nilsson does not disclose “accessing existing object code, said existing object code includes a first method, said first method produces a result when said first method is executed,” the reference does not anticipate claim 1. Claims 1-7, 9-19, 21-26, 29-32, 34-38, 41-43, and 45-47 are distinguishable over the prior art for at least the same reasons as claim 1.

Furthermore, the Examiner argues that claim 12 is rejected for the same reasons as claims 1 and 4. Claims 1 and 4 are patentable over Nilsson for the reasons discussed above. Additionally, claim 12 is patentable over Nilsson because Nilsson does not disclose “invoking said second method, including providing said result to said second method.” The Examiner equates the “storing a result for a first method” recited in claim 12 to the Nilsson’s storing of “sufficient information to ensure that subsequent execution resumes immediately after the point where the original function call was made” (col. 3, lines 13-15). However, even assuming this was true, the stored “result” is not provided “to said second method.” The Examiner fails to argue how this particular element can be found in Nilsson. Because Nilsson does not disclose this feature, the reference does not anticipate claim 12. Claims 13-19, 21-26, 41-43, and 45-47 are distinguishable over the cited prior art for at least the same reasons as claim 12.

Applicants respectfully request reconsideration of claims 1-7, 9-19, 21-26, 29-32, 34-38, 41-43, and 45-47 for the reasons discussed above.

### III. Rejection of Claims 8, 20, 27, 28, 33, 39, 40, and 44 Under 35 U.S.C. §103(a)

Claims 8, 20, 27, 28, 33, 39, 40, and 44 have been rejected under 35 U.S.C. §103(a) as being obvious over Nilsson. Because the cited prior art, together with the knowledge of one having ordinary skill in the art, does not disclose, teach, or suggest all of the limitations of the rejected claims, Applicants assert that the claims are in condition for allowance.

As discussed above, Nilsson does not disclose, teach, or suggest “accessing existing object code, said existing object code includes a first method, said first method produces a result when said first method is executed” nor does it disclose “invoking said second method, including providing said result to said second method.” Each of the rejected claims contains at least one of these features. Furthermore, it would not be obvious to one of ordinary skill in the art to develop the claimed features. The knowledge of one having ordinary skill in the art adds nothing

regarding “accessing existing object code, said existing object code includes a first method, said first method produces a result when said first method is executed” and “invoking said second method, including providing said result to said second method” since it would not be obvious to perform these step with the features disclosed in Nilsson. Therefore, Nilsson would not lead one of ordinary skill in the art to develop the claimed invention as described in claims 8, 20, 27, 28, 33, 39, 40, and 44. Applicants respectfully request reconsideration of these claims.

Based on the above amendments and these remarks, reconsideration of claims 1-47 is respectfully requested.

The Examiner’s prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned agent by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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